

*D* *C* *X* of a compound of claim 1 to antagonize the CCR5 receptor-associated responses in said mammal.

### REMARKS

Reconsideration of this application is respectfully requested. Applicants acknowledge with thanks the Advisory Action of March 6, 2003, in which the Examiner stated that claims 1-9, 38-56 and 59-63 are in condition for allowance.

### TELEPHONIC INTERVIEW WITH EXAMINER ON MAY 6, 2003

Applicants discussed claim 19 with Examiner Evelyn Huang on May 6, 2003. In this interview, the Examiner provided that claim 19 would be allowable if the "CCR5 antagonizing aspect" was included in the claim. Accordingly, Applicants agreed to amend claim 19 to reflect this antagonist aspect. A marked-up version of claim 19 is included herein.

### STATUS OF THE CLAIMS

Upon entry of the foregoing amendment, claims 1-9, 19-20, 38-56 and 59-63 are pending in this application. Claims 1-9, 38-56, and 59-63 were previously allowed in the Office Action dated March 6, 2003. Claims 21, 22, 57, 58 and 64 were previously cancelled, and Applicants respectfully reserve the right to pursue the subject matter of these cancelled claims in a future patent application.

### REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The Examiner rejected claim 19 under 35 USC § 112, 2<sup>nd</sup> paragraph. Claim 19 was rejected for recitation of the term "modulation," which the Examiner alleged "includes agonism and antagonism ... which are not described in the specification."

Applicants respectfully disagree with the Examiner's assertions. Applicants respectfully assert that the term "modulation" is generally understood and well known by one of ordinary skill in the art to relate to up-regulation or down-regulation of a target receptor, such as the CCR5 receptor in the instant invention.